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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,381	07/11/2003	Hsien-Ta Huang	BHT-3106-283	2230
7590 09/07/2005 TROXELL LAW OFFICE PLLC Suite 1404 5205 Leesburg Pike Falls Church, VA 22041			EXAMINER NGUYEN, BINH AN DUC	
			ART UNIT 3713	PAPER NUMBER

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/617,381

Applicant(s)

HUANG, HSIEN-TA

Examiner

Binh-An D. Nguyen

Art Unit

3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Priority

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Taiwan on July 1, 2003. It is noted, however, that applicant has not filed a certified copy of the 92117942 application as required by 35 U.S.C. 119(b).

Claim Objections

Claims 1-6 are objected to because of the following informalities:

In claims 1 and 2, each limitation should be separated by a semicolon (;), not a period (.).

In claim 2, lines 4 and 9, the recited term "analog →digital" should be changed to "analog to digital". Appropriate correction is required.

Specification

The disclosure is objected to because of the following informalities:

On page 5, line 9, the recited term "control stick 31" should be changed to "control stick 32". Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 2 are vague and indefinite since the scope is unclear. Further, the claims are narrative and not conform to the general format. It is unclear where the preamble ends and the claim limitation starts.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 2, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Nakajima (EP 0850673A1).

Referring to claims 1 and 2, Nakajima teaches a voice activated control device for game system (see abstract) comprising: a game control signal recognition circuit (Fig.3), which is activated by voice signal instead of controller press-button (page 3, line 1 to page 4, line 2); the game control signal recognition circuit comprises a microphone (7), a sound amplification circuit, analog/digital operation press-button simulative conversion circuit and game control processing chip (page 7, lines 6-32); wherein the microphone receives and retrieves voice signal, which is then converted through an analog/digital press-button simulative conversion circuit device into an analog/digital

press-button signal, which is recognizable to a game controller that can send the game console a single or macro operational command preset on operator's needs (page 4, line 54 to page 5, line 58; page 10, lines 20-55).

Referring to claim 2, Nakajima teaches the controller has a game controller circuit (Fig.3), which is further a voice signal processing recognition circuit, comprising: a microphone, a sound amplification circuit, analog to digital conversion circuit, a monotone voice activation processing chip, an analog/digital press-button signal, a processing chip for game controller and a pre-stored voice processing control circuit; wherein the microphone receives the voice command sent by the operator to activate built-in control circuit and uses a sound amplification circuit to amplify the retrieved sound signal (page 3, line 1 to page 4, line 2), then it uses analog to digital conversion circuit to convert the voice signal into recognizable analog/digital simulative signal; wherein the monotone voice activation recognition and processing chip will recognize and process the input voice and pre-stored voice; wherein when the accurate voice signal is obtained, analog/digital press-button signal transmits the action command to the processing chip in the game console (page 7, lines 6-32); and wherein the preset single command or macro for continuous actions will be sent to the game console to execute the command (page 7, line 42 to page 9, line 45; page 11, lines 1-54). Note that, the limitation of using analog to digital conversion circuit to convert the voice signal into recognizable analog/digital simulative signal (claim 2) is inherent form the voice recognition system of Nakajima.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakajima (EP 0850673A1).

Nakajima teaches all limitations of claims 1 and 2 above. Nakajima further teaches the microphone is a headset microphone, but another type of microphone may be used (page 4, lines 1-2).

Referring to claims 3-6, Nakajima does not explicitly teach the microphone is a claiming microphone (claims 3 and 4); or over-the-ear microphone (claims 5 and 6). However, it would have been obvious to a person of ordinary skill in the art at the time of the invention to use other types of microphones such as claiming microphone or over-the-ear microphone in place of the headset microphone as a matter of personal preference and/or convenience.

Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wang (6,456,977) teaches a voice control module for controlling a game controller.

Nishizawa et al. (2002/0072409) teaches a method for controlling an object using voice.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh-An D. Nguyen whose telephone number is 571-272-4440. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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